

110TH CONGRESS
2D SESSION

H. R. 3299

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23 (legislative day, SEPTEMBER 17), 2008

Received

OCTOBER 2 (legislative day, SEPTEMBER 17), 2008

Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BOUNDARY ADJUSTMENT AND LAND CONVEY-**
4 **ANCES, ROOSEVELT NATIONAL FOREST, COL-**
5 **ORADO.**

6 (a) BOUNDARY ADJUSTMENT.—The boundaries of
7 Roosevelt National Forest, Colorado, are hereby modified
8 to exclude from the national forest a parcel of real prop-
9 erty consisting of approximately 7 acres within the Crystal
10 Lakes Subdivision as depicted on the map entitled “Crys-
11 tal Lakes Encroachment, HR 3299” and dated July 15,
12 2008.

13 (b) CONVEYANCE OF LAND REMOVED FROM NA-
14 TIONAL FOREST.—The Secretary of Agriculture shall use
15 the authority provided by Public Law 97–465 (commonly
16 known as the Small Tracts Act; 16 U.S.C. 521c-521i) to
17 convey all right, title, and interest of the United States
18 in and to the real property excluded from the boundaries
19 of Roosevelt National Forest under subsection (a) to the
20 landowners whose real property adjoins the excluded land
21 and who, as of the date of the enactment of this Act, oc-
22 cupy the excluded land.

23 (c) CONSIDERATION.—The conveyances required by
24 subsection (b) shall be made without consideration.

1 (d) DESCRIPTION OF REAL PROPERTY.—The exact
2 acreage and legal description of the land excluded from
3 the boundaries of Roosevelt National Forest under sub-
4 section (a) and conveyed under subsection (b) shall be de-
5 termined by a survey satisfactory to the Secretary.

6 **SEC. 2. SALE OR EXCHANGE OF NOAA PROPERTY IN NOR-**
7 **FOLK, VIRGINIA.**

8 (a) IN GENERAL.—The Secretary of Commerce may
9 sell or exchange to the City of Norfolk, Virginia, in accord-
10 ance with chapter 13 of title 40, United States Code, real
11 property under the administrative jurisdiction of the Na-
12 tional Oceanic and Atmospheric Administration (in this
13 section referred to as “NOAA”), including land and im-
14 provements thereon, located at 538 Front Street, Norfolk,
15 Virginia, consisting of approximately 3.78 acres, if the
16 Secretary—

17 (1) determines that the conveyance is in the
18 best interests of NOAA and the Federal Govern-
19 ment; and

20 (2) has provided prior notification to the Com-
21 mittee on Natural Resources and the Committee on
22 Appropriations of the House of Representatives and
23 the Committee on Commerce, Science, and Trans-
24 portation and the Committee on Appropriations of
25 the Senate.

1 (b) CONSIDERATION.—

2 (1) IN GENERAL.—For any conveyance under
3 this section the Secretary shall require the City of
4 Norfolk to provide consideration to the United
5 States that is not less than the fair market value of
6 the property conveyed by the United States.

7 (2) FORM.—Consideration under this sub-
8 section may include any combination of—

9 (A) cash or cash equivalents;

10 (B) other property (either real or per-
11 sonal); and

12 (C) consideration in-kind, including—

13 (i) provision of space, goods, or serv-
14 ices of benefit to NOAA including con-
15 struction, repair, remodeling, or other
16 physical improvements of NOAA property;

17 (ii) maintenance of NOAA property;

18 (iii) provision of office, storage, or
19 other useable space; or

20 (iv) relocation services associated with
21 conveyance of property under this section.

22 (3) DETERMINATION OF FAIR MARKET
23 VALUE.—The Secretary shall determine fair market
24 value for purposes of paragraph (1) based upon a
25 highest- and best-use appraisal of the property con-

1 veyed under subsection (a) conducted in conform-
2 ance with the Uniform Appraisal Standards for Pro-
3 fessional Appraisal Practice.

4 (c) USE OF PROCEEDS.—Amounts received under
5 subsection (b)(2)(A) by the United States as proceeds of
6 any conveyance under this section shall be available to the
7 Secretary, subject to appropriation, for—

8 (1) activities related to the operations of, or
9 capital improvements, to NOAA property; or

10 (2) relocation and other costs associated with
11 the sale or exchange.

12 (d) ADDITIONAL TERMS AND CONDITIONS.—The
13 Secretary may require such additional terms and condi-
14 tions in connection with the conveyance of property by the
15 United States under subsection (a) as the Secretary con-
16 siders appropriate to protect the interest of the United
17 States, including the recoupment of any profit the City
18 of Norfolk may realize within three years after the date
19 of conveyance to the City due to resale of the property

20 (e) TERMINATION.—The authority granted to the
21 Secretary under subsections (a) and (b) shall terminate
22 at the end of the 24-month period beginning on the date
23 of enactment of this Act if no contract for sale or exchange

1 under subsection (a) has been entered into by the City
2 of Norfolk and the United States.

Passed the House of Representatives September 22,
2008.

Attest: **LORRAINE C. MILLER,**
Clerk.